

Application No.: 10/024,544Docket No.: 2038-282**REMARKS**

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-15, 22-24, 26-27 and 29-32 are pending in the application. Claims 21, 25 and 28 have been cancelled without prejudice or disclaimer. The other claims have been amended to better define the claimed invention. New claims 29-32 readable on the elected invention have been added to provide Applicants with the scope of protection to which they are believed entitled. The specification has been revised in the manner kindly suggested by the Examiner. No new matter has been introduced through the foregoing amendments.

The objections to the claims and specification as well as the *35 U.S.C. 112, second paragraph* rejection of claims 4, 22 and 26 are either moot or believed overcome in view of the above amendments.

The Examiner's claim interpretation is noted. Applicants respectfully disagree with, at least, the Examiner's interpretation of "progressive" which is unduly narrow in view of the dictionary meaning of the term. Applicants respectfully submit that the term "progressive" should be interpreted to cover both evenly and unevenly progressing.

The Examiner's modified rejections of claims 1-15 and 21-28 are also noted.

As to independent claim 1, Applicants respectfully traverse the Examiner's rejection for the reasons/arguments advanced in the November 23, 2004 Amendment, at page 14, lines 2-18. The arguments are incorporated herein by reference.

Solely for the purpose of expediting prosecution, Applicants have further amended claim 1 to clarify that the flat portion is on the lower side of the first fibrous assembly sub-panel. The

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Examiner's interpretation manifested in the Office Action, at page 3, line 7 from bottom, is no longer applicable, i.e., the topsheet facing surface of *Harwood* is no longer readable on the claimed flat portion which is on the lower side of the first sub-panel. Amended claim 1 is thus patentable over the art.

Claims 2-5, 22-24, and 26-30 depend from claim 1, and are considered patentable at least for the reason advanced with respect to amended claim 1. Claims 2-5, 22-24, and 26-30 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

For example, as to claim 4, the claim now requires a combination of synthetic resin and cellulose fibers and is therefore patentable over the art. See amended claim 4 and the Office Action at page 10, lines 3-4.

As to claim 22, the claim now requires that the entire area being encompassed by the periphery of said first fibrous assembly sub-panel be generally flat. The corresponding surface in the *Harwood* article is shown in FIG. 3 of the reference to include depressions or wells 32. Therefore the art does not teach or suggest the claimed invention. Note, also the Examiner's comment in the Office Action, at page 6, lines 4-7.

As to claim 23, the claim now recites that an entire thickness of fiber material of said first fibrous assembly sub-panel in the flat portion is less than in the protuberant portions. In the applied reference, the fiber material thickness in flat portion 40 (FIG. 2 of *Harwood*, T1 in attached *Exhibit A*) is greater than in the protuberant portions 34 (FIG. 2 of *Harwood*, T2 in attached *Exhibit A*). See attached *Exhibit A* which is an enlarged, annotated view of FIG. 2 of *Harwood*.

As to claim 24, the claim now recites that the fiber density of said protuberant portions is lower than the fiber density at any point of said second fibrous assembly sub-panel. *Harwood* includes low density layers 18, 24 and cannot be considered readable on the claimed invention.

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As to claim 26, the claim now recites that the substantially flat portion on the lower side of said first fibrous assembly sub-panel comprises multiple flat areas each being completely surrounded by a number of said protuberant portions and said wall portions, wherein adjacent said areas are un connected and separated by at least one said protuberant portion or at least one said wall portion. The lower side of the *Harwood* first sub-panel 16 is depicted in FIG. 4 rather than FIG. 3 as alleged in the Office Action, at page 7, line 5. As can be seen in FIG. 4 of *Harwood*, the reference fails to teach or suggest the claimed completely surrounded, flat areas.

As to claim 27, Applicants respectfully submit that *Harwood* fails to teach or suggest that said second fibrous assembly sub-panel contacts said first fibrous assembly sub-panel only at lower ends of said protuberant portions, as presently claimed, due to the interface at Z in attached *Exhibit A*.

As to claim 30, Applicants respectfully submit that *Harwood* fails to teach or suggest that said panel consists of said first and second fibrous assembly sub-panels. Note, various absorbent layers 20, 24, 25, 28 in FIG. 2 of *Harwood*.

As to independent claim 6, Applicants respectfully traverse the Examiner's obviousness rejection. The Examiner is relying on *Chen* for a teaching of a high density region providing high capillary pressure to pull liquid toward a underlying, low density region which is designed to hold large quantities of fluid. See, e.g., *Chen* at column 27, lines 54, 67 and the Office Action at page 5, line 10. The same structure is realized in *Harwood* by a high density region 34 and a low density, highly absorbent fluff batt 18. See *Harwood* at column 2, lines 55-63. Thus, a person of ordinary skill in the art would at once recognize that *Harwood* has already had the structure and advantage proposed by *Chen*, and therefore would not have been motivated to make the Examiner's proposed combination. Claim 6 is thus patentable over the applied references.

Claims 7-15 depend from claim 6, and are considered patentable at least for the reason

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advanced with respect to claim 6. Claims 7-15 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

As to claims 8-10, note the discussion of claim 22.

As to claim 11, note the discussion of claim 26.

As to claims 12-14, the applied references fail to teach or suggest that a fiber density of said protuberant portions in regions where said protuberant portions contact said second fibrous assembly sub-panel is higher than a fiber density at any point on the upper surface of said base portion. Note, elements 38 on the upper surface of the *Harwood* first sub-panel have the highest density in the first sub-panel 16 that cannot be lower than the density at the lower ends of protuberances 40.

As to claim 15, note the discussion of claim 27.

New independent claim 30 is directed to a body fluid absorbent wearing article, comprising, among other things, an upper surface of said base portion that includes generally flat regions which correspond to and are located above said protuberances and which are free of depressions. *Harwood* fails to teach or suggest such flat regions due to wells or depressions 32. Thus, new claim 30 is patentable over the applied references.

Claims 31-32 depend from claim 30, and are considered patentable at least for the reason advanced with respect to claim 30. Claims 31-32 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art, as discussed above with respect to claims 8 and 24.

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable

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indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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